IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FOURTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE D.S.R.VARMA

-

WRIT PETITION NO : 3827 of 2005

Between:

S.R. Ravinder, S/o. Dasaratham,
R/o. Giopalnagr, 9-4-49, Sircilla, Karimnagar District.

..... PETITIONER

AND

1 Superintendent of Police, Karimnagar, Karimnagar District.
2 Dy. Inspector General of Police, Karimnagar, Karimngar District.
3 Sub-Inspector of Police, Sircilla P.S., Karimnagar, Kareemnagar District.
4 M/s. Sagar Earth Movers , rep. by its Partner, Mr. Bhagirath,

4-6-81, Attapur, Near Rambagh, Hyderabad-64.

..... RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to Issue an appropriate Writ, order or direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the Respondents in interfering with personal liberty, day to day activities and business transactions is violative of Article 19 and 21 of the Constitution of India being arbitrary, illegal and uncalled for and consequently direct the respondents not to interfere with petitioners personal liberty, present activities and business transaction and to pass such other order or orders.

Counsel for the Petitioner: MR.Y.ASHOK RAJ

Counsel for the Respondents1 to 3: G.P. FOR HOME

The Court at the stage of admission made the following

ORAL ORDER:

Heard both sides.

2. The petitioner seeks a declaration that the action of the respondents in interfering with his personal liberty, day-to-day activities and business transactions is violative of Articles 19 and 21 of the Constitution of India, as arbitrary, illegal and uncalled for and for a consequential direction to the respondents not to interfere with the petitioner's personal liberty, present activities and business transaction.

3. It is the complaint of the petitioner that at the behest of the fourth respondent, with whom the petitioner had some business transactions, the first respondent has been interfering with his personal liberty by sending the police constables to the house of the petitioner frequently, causing much agony to himself and his family members. It is his further complaint that at the instance of the fourth respondent, the first respondent is trying to settle the financial

disputes between the petitioner and the fourth respondent. The other details may not be relevant for the present purpose, but, however, all those aspects have to be investigated if at all there is any complaint against the petitioner.

4. From the affidavit, filed in support of the writ petition, it could be seen that no complaint has ever been made by the fourth respondent against the petitioner. But, in spite of the said fact, the first respondent is resorting to interfere with the personal liberty of the petitioner.

5. The first respondent being the investigating agency shall strictly proceed in accordance with law against any individual if there is any complaint. In other words, as and when a complaint is made against anybody, the Station House Officer concerned shall act strictly in accordance with law.

6. It is needless to mention that it shall not be the concern of the investigating agency to unnecessarily interfere with somebody's day-to-day normal life until and unless a complaint is made against him/her and the same is felt expedient to be investigated into. Even, the investigation shall also be without taking away the personal liberty of such person, subject to certain limitations.

7. With the above observations, the writ petition is closed, at the stage of admission. However, there shall be no order as to costs.

D.S.R. VARMA, J

04TH MARCH 2005

ISN/KRK

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Superintendent of Police, Karimnagar, Karimnagar District.
2. The Deputy Inspector General of Police, Karimnagar, Karimngar District.
3. The Sub-Inspector of Police, Sircilla P.S., Karimnagar, Kareemnagar District.
4. Two CCs to G.P. for Home, High Court Buildings, Hyderabad (OUT).

5. Two CD copies

THE HONOURABLE SRI JUSTICE D.S.R. VARMA

W.P.No.3827 of 2005

04TH MARCH 2005